

1 TIFFANY CHEUNG (CA SBN 211497)
2 TCheung@mofo.com
3 DANIELLE VALLONE (CA SBN 302497)
4 DVallone@mofo.com
5 MORRISON & FOERSTER LLP
6 425 Market Street
7 San Francisco, California 94105-2482
8 Telephone: 415.268.7000
9 Facsimile: 415.268.7522

10 PURVI G. PATEL (CA SBN 270702)
11 PPatel@mofo.com
12 WHITNEY O'BYRNE (CA SBN 325698)
13 WOByrne@mofo.com
14 ERIK MANUKYAN (CA SBN 340307)
15 EManukyan@mofo.com
16 EMMA BURGOON (CA SBN 348097)
17 EBurgoon@mofo.com
18 MORRISON & FOERSTER LLP
19 707 Wilshire Boulevard, Suite 6000
20 Los Angeles, California 90017
21 Telephone: 213.892.5200
22 Facsimile: 213.892.5454

23 Attorneys for Defendant
24 ORACLE AMERICA, INC.

25 *Plaintiffs' counsel on signature page*

26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

29 MICHAEL KATZ-LACABE, et al.,

30 Plaintiffs,

31 v.
32
33 ORACLE AMERICA, INC., a corporation
34 organized under the laws of the State of Delaware,

35 Defendant.

36 Case No. 3:22-cv-04792-RS

37 **STIPULATION AND
38 [PROPOSED] ORDER TO
39 EXTEND PLAINTIFFS' TIME TO
40 AMEND THEIR COMPLAINT
41 AND DEFENDANT ORACLE
42 AMERICA, INC.'S TIME TO
43 RESPOND OR OTHERWISE
44 MOVE TO DISMISS
45 PLAINTIFFS' FIRST AMENDED
46 COMPLAINT**

47 Judge: Hon. Richard Seeborg

48 Date Action Filed: August 19, 2022
49 Trial Date: Not set

Pursuant to Civil Local Rule 6-2(a), Plaintiffs Michael Katz-Lacabe, Dr. Jennifer Golbeck, and Dr. Johnny Ryan and Defendant Oracle America, Inc., by and through their attorneys of record, stipulate as follows:

WHEREAS, this Court granted in part and denied in part Oracle's Motion to Dismiss the Complaint on April 6, 2023 (ECF No. 49) and ordered Plaintiffs to file an amended Complaint by May 8, 2023 (*id.*);

WHEREAS, on April 20, 2023, the Court approved the parties' stipulated briefing schedule for Oracle's anticipated motion to dismiss Plaintiffs' amended Complaint (ECF No. 51);

WHEREAS, on April 24, 2023, Oracle requested a two-week extension to respond to Plaintiffs' Interrogatories (Set One), which response is currently due May 1, 2023;

WHEREAS, on April 26, 2023, Plaintiffs, as a professional courtesy and in order to accommodate Oracle's request, agreed to extend Oracle's interrogatory response deadline from May 1, 2023 to May 15, 2023, subject to a reciprocal extension on Plaintiffs' deadline to file an amended Complaint, currently due on May 8, 2023, given the potential relevance of Oracle's interrogatory responses to Plaintiffs' allegations in the amended Complaint;

WHEREAS, the parties further agreed to a corresponding adjustment to Oracle's deadline to respond to Plaintiffs' remaining claims and, if Plaintiffs file an amended Complaint, the briefing schedule for Oracle's anticipated motion to dismiss, by two weeks:

Filing Event	Current Deadline	Extended Deadline
Amended Complaint	May 8, 2023	May 22, 2023
Motion to Dismiss	June 14, 2023	June 28, 2023
Opposition	July 21, 2023	August 4, 2023
Reply	August 15, 2023	August 29, 2023
Hearing	September 21, 2023 at 1:30 p.m.	October 5, 2023 at 1:30 p.m.

NOW, THEREFORE, the parties hereby stipulate and agree, subject to the approval of the Court, that:

1. Plaintiffs shall file an amended Complaint, if any, on or before May 22, 2023;

1 2. Oracle shall file its motion to dismiss Plaintiffs' amended Complaint or, if
2 Plaintiffs do not file an amended Complaint, respond to the Complaint on or before June 28,
3 2023;

4 3. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before
5 August 4, 2023;

6 4. Oracle shall file its reply in support of its motion to dismiss on or before August
7 29, 2023;

8 5. Oracle shall notice its motion to dismiss for hearing on October 5, 2023 at 1:30
9 p.m., or on a date or time otherwise directed by the Court.

10

11 Dated: April 27, 2023

LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP

12

13

By: /s/ David T. Rudolph

David T. Rudolph (SBN 233457)
drudolph@lchb.com
Michael W. Sobol (SBN 194857)
msobol@lchb.com
Jallé H. Dafa (SBN 290637)
jdafa@lchb.com
Nabila Abdallah (SBN 347764)
nabdallah@lchb.com
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000
Facsimile: 415.956.1008

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

*Attorneys for Plaintiffs
Michael Katz-Lacabe, Dr. Jennifer
Golbeck, and Dr. Johnny Ryan*

29

30

31

32

33

34

35

36

37

38

39

40

Dated: April 27, 2023

MORRISON & FOERSTER LLP

41

42

43

44

45

46

47

48

49

50

51

52

53

54

55

STIPULATION AND [PROPOSED] ORDER TO
EXTEND TIME
sf-5545183.6

ECF ATTESTATION

I, Purvi G. Patel, am the ECF User whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER TO EXTEND PLAINTIFFS' TIME TO
AMEND THEIR COMPLAINT AND DEFENDANT ORACLE AMERICA, INC.'S TIME
TO RESPOND OR OTHERWISE MOVE TO DISMISS PLAINTIFF'S FIRST AMENDED
COMPLAINT. In accordance with Civil L.R. 5-1(i)(3), concurrence in and authorization of the
filing of this document has been obtained from David T. Rudolph, counsel for Plaintiffs, and I
shall maintain records to support this concurrence for subsequent production for the Court if so
ordered or for inspection upon request by a party.

Dated: April 27, 2023

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel
Purvi G. Patel
*Attorneys for Defendant
Oracle America, Inc.*

[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Court hereby orders as follows:

1. Plaintiffs shall file their amended Complaint, if any, on or before May 22, 2023;
 2. Oracle shall file its motion to dismiss Plaintiffs' first amended Complaint or, if Plaintiffs do not file an amended Complaint, respond to the Complaint on or before June 28, 2023;
 3. Plaintiffs shall file their opposition to Oracle's motion to dismiss on or before August 4, 2023;
 4. Oracle shall file its reply in support of its motion to dismiss on or before August 29, 2023;
 5. Oracle shall notice its motion to dismiss for hearing on October 5, 2023 at 1:30 p.m., or on a date or time otherwise directed by the Court.

IT IS SO ORDERED.

Dated: _____

Honorable Richard Seeborg
United States District Court Judge